IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

MONDAY THE FOURTH DAY OF JULY TWO THOUSAND AND FIVE

: PRESENT :

THE HON'BLE MR.JUSTICE: **D.S.R.VARMA**

AND

THE HON'BLE MS.JUSTICE: **G.ROHINI**

CMA. No.44 of 2005

(Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 against the order of the Court of the Chief Judge, City Civil Court at Hyderabad and made in OP.No. 1064/2003 dt. 15-07-2004)

Between:

The Chief Signal and Telecommunication Engineer (Projects), South Central Railway, Rail Nilayam, Secunderabad – 500 071.

...Appellant

AND

1. M/s. Hytronics Enterprises, 24-B, Electronic Complex, Kushaiguda, Hyderabad – 500 062.
2. Shri I.A.Khan, Presiding Arbitrator, Chief Electrical Service Engineer, South Central Railway, 7th Floor, Rail Nilayam, Secunderabad – 500 071.
3. Shri P.K.Srivastav, Chief Signal and Telecom Engineer, Joint Arbitrator, S.C.Railway, Lalaguda, Hyderabad. presently residing at North Central Railway, Allahabad, U.P.
4. Shri A.Venkat Reddy, Dy. FA & CAO/Construction, Joint Arbitrator, South Central Railway, Secunderabad – 500 071.

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Respondents

The Petition coming on for hearing upon perusing the Petition and the Grounds filed herein and the orders of the High Court dated. 10-02-2005 & 03-03-2005 and made in CMP.Nos. 79/2005 & 396/2005 and upon hearing the arguments of Mrs. C.V.Vinitha Reddy, Advocate for the Appellants and of Mr. Y.Venkateswarlu for the Respondent No.1.

The Court made the following **ORDER:**

" **The main controversy in this appeal is as to whether the Arbitral Tribunal consisting of Respondents 2 to 4 have signed the original copy of the award dated. 24-1-2003 and thereafter communicated the copy of the said award on a stamped paper which was purchased obviously on 28-1-2003, to the parties. Hence it is imperative for this Court to verify as to whether the copy of the award communicated to the parties on a stamped paper dated. 28-1-2003 is the award passed on 24-1-2003, as that of the original copy of the award with the Arbitrator.**

Hence 2nd respondent who is the presiding Arbitrator is directed to produce the original copy of the award signed on 24-1-2003 by the Arbitrators on the Contract Agreement No. S&T/BZA/KCC/RR1/1/92 dated. 2-4-1993, within two weeks from the date of receipt of a copy of this order, by person.

Registry is directed to dispatch the order to the 2nd respondent ie., "Shri I.A.Khan, Presiding Arbitrator, Chief Electrical Services Engineer, South Central Railway, 7th Floor, Rail Nilayam, Secunderabad" forthwith by Special Messenger.

Post on 19-07-2005."

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

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To

1. The Chief Judge, City Civil Court at Hyderabad.
2. M/s. Hytronics Enterprises, 24-B, Electronic Complex, Kushaiguda, Hyderabad – 500 062.
3. Shri I.A.Khan, Presiding Arbitrator, Chief Electrical Service Engineer, South Central Railway, 7th Floor, Rail Nilayam, Secunderabad – 500 071. (**By Spl. Messenger**)
4. Shri P.K.Srivastav, Chief Signal and Telecom Engineer, Joint Arbitrator, S.C.Railway, Lalaguda, Hyderabad. presently residing at North Central Railway, Allahabad, U.P.
5. Shri A.Venkat Reddy, Dy. FA & CAO/Construction, Joint Arbitrator, South Central Railway, Secunderabad – 500 071.
6. Two spare copies.

SAH

HIGH COURT

AGR.J

DT.7-4-2005.

ORDER

CMA.No. 2123 of 2004

DIRECTION

DRAFTED BY TKK
DT.7-4-2005.

HIGH COURT

AGR.J

DT.7-4-2005.

NOTE : **Post on 15-4-2005.**

ORDER

CMA.No. 2123 of 2004

DIRECTION